

CLOSURE ORDER

OCCUPANCY AND USE FOR NESTING RAPTOR PROTECTION

USDA - FOREST SERVICE

OKANOGAN-WENATCHEE NATIONAL FOREST

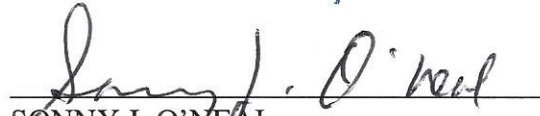
Pursuant to 36 CFR 261.50 (a) and (b) the following act is prohibited within the Okanogan-Wenatchee National Forest on the Lake Wenatchee-Leavenworth Ranger Districts in order to minimize human disturbance to nesting raptors.

- (1) Entering or being upon Midnight Rock or Noontime Rock between April 1 and July 31 as described in the book Leavenworth Rock by Viktor Kramar and their immediate vicinity as shown on the attached poster. 36 CFR 261.53 (a)

Pursuant to 36 CFR 261.50(e), the following exemptions apply:

- (1) Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- (2) Forest Service Administrative Use.
- (3) Persons with a written permit from the Forest Supervisor or District Ranger.

Done at Wenatchee, Washington this 23rd day of may, 2002


SONNY J. O'NEAL
Forest Supervisor
Okanogan-Wenatchee National Forest

Violation of these prohibitions is punishable by a fine of not more than \$5,000 or imprisonment of not more than six (6) months or both.

S.O. ORDER # 389

JUSTIFICATION

Peregrine falcons have been nesting on Midnight and/or Noontime Rocks in the Tumwater Canyon since 1998. These rocks are developed for rock climbing and receive low use due to the fact that they are reached via a long scramble from the highway and due to their highly technical nature.

The Ranger District worked with the Access Fund to establish a voluntary closure to public entry during the nesting season. This was posted at the highway, just beyond Castle Rock where climber continue upwards to the closed area, and at Midnight Rock. For the most part, there was good compliance with the voluntary request, and no climbers had been observed in 1999, 2000, and 2001. The closure is publicized on the Access Fund's website. On May 15, 2002, two climbers were observed on Midnight Rock directly in the closed area, including walking on the ledge that had the falcon eyrie in 2001. Several days later climbers were again seen, and the signs requesting cooperation were torn down.

Peregrine falcons are extremely susceptible to disturbance from climbing (Palmer, Ed, 1988). Disturbance can cause adults to abandon a nest, accidentally knock eggs or nest material off the cliff, or break eggs when they panic and move suddenly. Hunting behaviors can also be altered.

The Wenatchee Land and Resource Management Plan standards and guides (Pg IV-80) requires that nesting raptors be protected. Peregrine falcons were de-listed as a threatened wildlife species in 1999. Peregrine falcons have not nested in this area for decades. Due to their successful recovery, populations have been expanding northwards in suitable habitats. This eyrie is one of only two known locations on the Lake Wenatchee/Leavenworth Ranger Districts.

There are over 100 other similar locations for rock climbers throughout Tumwater and Icicle Canyons. Climber displacement is not an issue.

ENFORCEMENT PLAN

Posting: Closure signs will be posted in three locations; the parking area for Castle rock; where the route departs Castle Rock for Midnight and Noontime rocks; and near Midnight Rock. The parking area sign will be checked weekly as part of trailhead maintenance. The other two signs will be checked periodically by the wildlife program. The closure sign is also posted at the Leavenworth Ranger Station.

Publicity: The closure will be publicized by the following methods: Forest Recreation report, Access Fund Website, local climber websites, office contacts, field contacts, and outfitter guide contacts. Viktor Kramer, author of the local climbing guide, will be asked to add the information to the next edition of his book.

Enforcement Strategy: Wildlife biologists monitor this area for raptor activity eight hours per week (two four hour blocks) during the nesting season. If biologists note climbers within the closure area, they will call on the radio for a wildlife program employee to respond to Castle Rock area to make contact with the violators and get identification. If no wildlife program employees can respond, a Forest Protection Officer from another department will be requested. Violation Notices will be issued to violators due to the high risk and tradeoff of causing a raptor nest to fail.

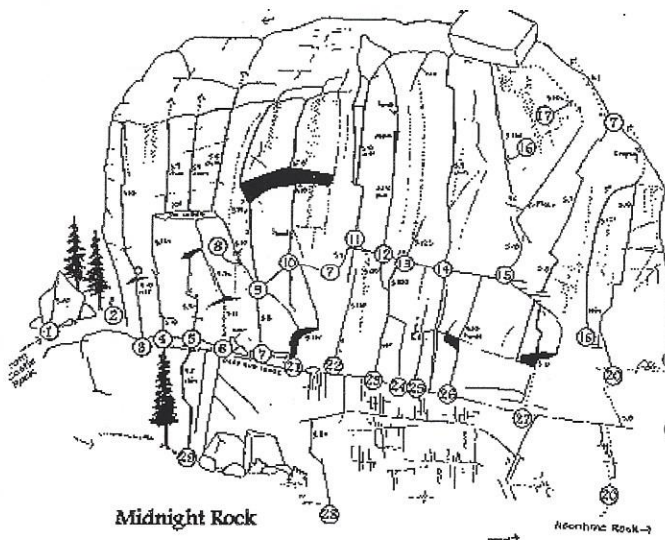
FPO's and LEO's will also be made aware of the order and the location to which it applies for spot enforcement.

MIDNIGHT & NOONTIME ROCKS AND VICINITY CLOSED TO ENTRY APRIL 1 TO JULY 31 To Protect Nesting Raptors

By Order 36 CFR 261.53 (a). Violations are punishable by fine and imprisonment

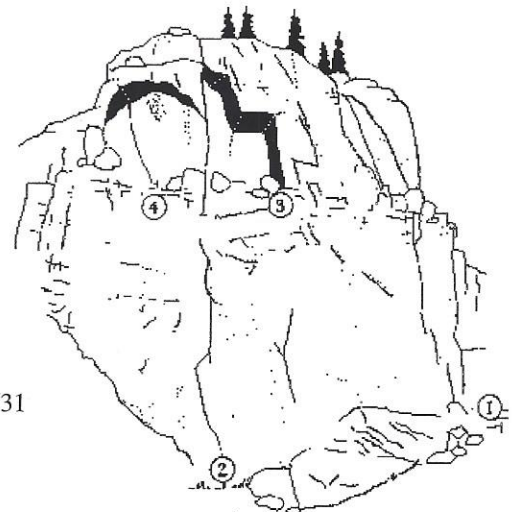
Attention Climbers

Raptors have been observed on and between Midnight and Noontime Rocks. To protect these birds during the nesting period these rocks and area immediately above and between them is closed to all entry. During the nesting period, the site will be monitored and if conditions warrant, some restrictions may be lifted.



Midnight Rock
Closed to Entry 4/1-7/31

Area between
Midnight Rock
and Noontime
Rock
Closed to Entry 4/1-7/31



Noontime Rock Closed to Entry 4/1-7/31

Drawings taken from Leavenworth Rock by Viktor Kramar

Climbers are not the only creatures drawn to Leavenworth's rock faces. The walls are also crucial breeding areas for birds of prey. They are sensitive to human disturbance during their nesting and roosting cycle. People who stray too close to a nest can scare off parent birds. Even if the nest is not abandoned, disturbance can cause nest failure. Eggs need to be constantly incubated so they do not become too hot or cold. Newly hatched raptors can not regulate their own body temperature and frightened juvenile birds may attempt to fly before they are ready. It is critical that everyone abides by posted seasonal closures in order to protect the birds.

Thank You!

Okanogan-Wenatchee National Forests, Lk Wenatchee & Leavenworth Ranger Districts
(509) 548-6977



WENATCHEE NATIONAL FOREST ORDER ROUTING FORM

District Staff Officer	Date	Remarks
<u>Swan D. Piper</u> District Staff Officer	<u>5/21/02</u> Date	<u>WL Biologist</u> Remarks
<u>Logan D. McMillin</u> Dist. LE Coordinator	<u>5/21/02</u> Date	<u>OK</u> Remarks
<u>Sam Hoffman</u> District Ranger	<u>5/21/02</u> Date	<u>OK / Ag</u> Remarks
<u>Steve Wark</u> Forest Staff Officer	<u>5/23/02</u> Date	<u>OK</u> Remarks
Forest Staff Officer	Date	Remarks
Forest POA Officer	Date	Remarks
<u>R. Dunn</u> Forest Special Agent	<u>5-23-02</u> Date	<u>This must be "well" signed!</u> Remarks